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ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING**

In re:)	
)	
DENNIS MEYER DANZIK,)	Case No. 16-20002
)	Chapter 11
)	
Debtor.)	
_____)	
)	
SOUTH COAST AIR QUALITY)	
MANAGEMENT DISTRICT,)	
)	
Plaintiff,)	Adversary No. 16-2009
)	
v.)	
)	
DENNIS MEYER DANZIK,)	
)	
Defendant.)	

UNOPPOSED MOTION TO DISMISS ADVERSARY PROCEEDING

Plaintiff, South Coast Air Quality Management District, by and through undersigned counsel, respectfully requests that this Court, pursuant to F.R.B.P. 7041 and F.R.C.P. 41(a)(2), enter an order dismissing this Adversary Proceeding and, in support hereof, states as follows:

1. Debtor and Defendant herein, Dennis Meyer Danzik (“Debtor”), filed his Chapter 11 petition in Case No. 16-20002 in this Court on January 4, 2016 (the “Base Case”).

2. Plaintiff, South Coast Air Quality Management District, commenced this adversary proceeding (No. 16-2009) by filing a Complaint on April 4, 2016. Debtor filed his Answer on May 3, 2016.

3. On March 8, 2017, this Court dismissed the Base Case (D.E. 393). No appeal of the order dismissing the Base Case was filed within the time permitted by the Federal Rules of Bankruptcy Procedure.

4. Now that the Base Case has been dismissed, it is likely that dismissal of this case (a non-dischargeability proceeding) is mandatory. “The law does not allow a bankruptcy court to exercise discretion to retain an adversary proceeding after dismissal of the underlying case where the adversary proceeding depends upon the bankruptcy case for its existence.” *In re Miller*, 2011 WL 6217342, at *2 (Bankr. D. Colo. Dec. 14, 2011) (internal citations omitted).

5. However, to ensure an orderly disposition of this matter, Plaintiff requests that this Court enter an order dismissing this Adversary Proceeding without prejudice. Undersigned counsel has conferred with Debtor’s counsel, who does not oppose the relief sought herein.

WHEREFORE, Plaintiff requests that this Court enter an order dismissing this Adversary Proceeding without prejudice.

DATED this 3rd day of April, 2017.

**SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT, Plaintiff**

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2017, a true and correct copy of the foregoing was served to the below-indicated and via the following method of service:

Debtor's Attorney

Ken McCartney
P.O. Box 1364
Cheyenne, WY 82003

☐ U.S. Mail
☒ Email through the Court's ECF system

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